

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION, et
al.,

Plaintiffs,

vs.

SYNGENTA CROP PROTECTION AG;
SYNGENTA CORPORATION;
SYNGENTA CROP PROTECTION,
LLC;

and

CORTEVA, INC.,

Defendants.

CASE NO. 1:22-cv-00828-TDS-JEP

CROSS-MOTION FOR JURY TRIAL

Fed. R. Civ. P. 39(b)

Defendant Corteva, Inc. (“Corteva”) respectfully requests a trial by jury as provided by the Seventh Amendment to the United States Constitution and Rule 39 of the Federal Rules of Civil Procedure.

In support thereof, Corteva states as follows:

(1) Plaintiffs filed an Amended Complaint on December 23, 2022. Corteva filed its Answer to the Amended Complaint on February 2, 2024. Corteva then filed an Amended Answer to the Amended Complaint on March 1, 2024. Corteva noticed its jury demand under Rule 38 on March 15, 2024, within 14 days after the last pleading directed to the issue, which was Corteva’s Amended Answer to the Amended Complaint.

(2) In the event Corteva’s Rule 38 Jury Demand is deemed untimely, which Corteva does not concede, Corteva here moves in the alternative under Rule 39 for a jury trial on all issues so triable.

(3) There is no stipulation to a nonjury trial in this matter, nor has there been any ruling that Corteva lacks a federal right to a jury trial on all issues raised in the above-captioned matter.

(4) Under Rule 39, the Court may “order a jury trial on any issue for which a jury trial might have been demanded” under Rule 38. Fed. R. Civ. P. 39(b).

(5) Corteva has served upon Plaintiffs in writing an exact copy of this cross-motion as verified in the following Certificate of Service.

(6) Corteva respectfully requests a trial by jury for all the issues so triable in Plaintiffs’ Complaint.

(7) Corteva files this cross-motion pursuant to Rule 5(d) of the Federal Rules of Civil Procedure.

Wherefore, Corteva prays this Court preserve its right to a trial by jury.

This 17th day of April, 2024.

Respectfully submitted,

/s/ Mark E. Anderson
Mark E. Anderson
N.C. State Bar No. 15764
manderson@mcguirewoods.com
MCGUIREWOODS LLP
501 Fayetteville Street, Suite 500
Raleigh, North Carolina 27601
Phone: 919.755.6600

David R. Marriott*
dmarriott@cravath.com
Margaret T. Segall*
msegall@cravath.com
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, New York 10019
Telephone: (212) 474-1000

*Specially appearing (L.R. 83.1(d)).
Attorneys for Defendant Corteva, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April, 2024, I caused the foregoing CROSS-MOTION FOR JURY TRIAL to be filed electronically with the Clerk of Court via the Court's CM/ECF system. Counsel for all parties in this case are registered CM/ECF users and will be served by the CM/ECF System.

MCGUIREWOODS LLP

/s/ Mark E. Anderson

Mark E. Anderson

N.C. State Bar No. 15764

manderson@mcguirewoods.com

MCGUIREWOODS LLP

501 Fayetteville Street, Suite 500

Raleigh, North Carolina 27601

Phone: 919.755.6600